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Braun A. Hamstead (WV)

March 15, 2018

Colonel J. L. Cahill, Superintendent
WV State Police Headquarters
725 Jefferson Rd.
South Charleston, WV 25309

*via Certified Mail Return
Receipt Requested*

Honorable Patrick Morrisey
Attorney General of the State of West Virginia
State Capitol Complex, Bldg 1, Room E-26
Charleston, WV 25305

Gentlemen:

Pursuant to West Virginia Code §55-17-3, please let this serve as pre-suit notice to you and each of you of the claim of Julie Hamstead against Trooper D. R. Walker, and his employer, The West Virginia State Police, and other third parties.

Trooper Walker used unnecessary and excessive force in the false arrest of Julie Hamstead on April 25, 2016, on private property, namely, the American Public University parking lot located in Charles Town, West Virginia. He arrested her because she was verbally protesting the statements of a Department of Highway's contract worker who falsely stated that she had run into their work truck, when the opposite was later proven true. Among other things, Trooper Walker falsely charged her with "destruction of property," a crime of intent. Thereafter, Trooper Walker enlisted the prosecuting attorney as a "stalking horse" to pursue the malicious prosecution for destruction of property even though the driver of the other vehicle had apologized to Mrs. Hamstead and had informed the police that his work truck was not damaged.

Julie Hamstead was, at the time, a 49 year old, 155 lb., 5'7" mother of four with absolutely no record whatsoever. Trooper Walker approached her like someone on steroids, mad and screaming at her. We later learned that the passenger of the truck, who had shouted false statements to police upon their arrival on the scene, had at least one criminal felony conviction at the time of this incident. Nonetheless, Trooper Walker did not attempt to talk to Mrs. Hamstead or get her information. He never once spoke to her in a respectful manner. Instead, he screamed "SHUT UP," and "SHUT UP," and "SHUT UP" repeatedly, as she tried to give him information

about the automobile incident which had just happened. He arrived on the scene with hard rock blasting in his car. He seemed anxious, edgy and completely out of control. He used unnecessary and brutal force for something that, at best, would be a minor traffic accident. Mrs. Hamstead begged him to stop hurting her. He lifted her up by her left arm which he had twisted behind her back and pushed her across the parking lot to the work truck that had just struck her vehicle, slammed her face first into the truck and then threw her into the gravel.

Following the accident, Mrs. Hamstead's car was fraudulently and criminally moved by someone to create tire tracks in the gravel of the APUS parking lot (these tracks leading up to her car), which tracks Trooper Walker used to support a false charge against Mrs. Hamstead for "Destruction of Property" and to justify depriving Mrs. Hamstead of her liberty. An unknown individual can be seen moving her car on the American Public University video tape footage. This destruction of property charge has been dismissed by the Magistrate Court.

It is very telling that Trooper Walker only took pictures of the work truck and only photographed the tire tracks in the gravel which [then] conveniently led up to her vehicle. He took no pictures of the \$3,500 worth of damage done to the driver's side door of her new vehicle, which would have conclusively revealed that her car was stopped when it was struck by the right wheel of the work truck.¹

After violently arresting her, Trooper Walker then continued to harass her, physically and verbally. On the short drive to the hospital, he told her "not to show [her] ass at the hospital." Upon arrival at the hospital, he got her out of his patrol car, grabbed her left arm and pushed her roughly into the hospital, hurting her left arm again (which she thought he had already broken), causing her to cry out in pain again, while begging him to stop. He then remained at the end of her hospital bed for some five hours typing his report, leaving once to solicit a self-serving statement from a nurse at the hospital. After being released from the hospital, she was then given two rough rides by Trooper Walker, one to the barracks and one back into town, via curvy rough back country roads. Mrs. Hamstead was thrown around in the back seat during both rides, arms handcuffed behind her back with no seat belt. At approximately 10:30 p.m., Trooper Walker arrived with his prisoner at his barracks in the country and kept Mrs. Hamstead there for an extended period of time (over an hour) while he ate his dinner and sang sex songs behind his cubicle. Meanwhile, he made Mrs. Hamstead sit just outside his cubicle on a cold metal chair having dry heaves from the sickening, surreal events of that day, fearing for her life. Both to the barracks and back into town, Trooper Walker drove at speeds of over 75mph while she was unbuckled in the backseat with her left arm in a sling. Mrs. Hamstead was bounced into the air and side to side, struggling to get her buckle on so she would survive the trip. Loose objects were flying around her adding to her fear. Her neck had already been injured from being thrown into the work truck face first by Trooper Walker before being slammed face down into the gravel. During both rides he played loud, disgusting, sexually oriented and completely inappropriate music. In the car, on the way back into town, around 11:40 p.m., he touched Mrs. Hamstead's knee with his right hand while his left hand reached over to the middle console and flipped open a container of breath mints which he poured into his mouth, driving around a curve

¹ When it was later discovered that he had not photographed Mrs. Hamstead's driver's door, Trooper Walker was advised that the vehicle would be available to photograph at any time he wished to do so. He never made any effort to photograph the vehicle.

with only his knee on the steering wheel and telling her he didn't care if she reported him to his superiors and "**it wouldn't be the first time.**" For the past nineteen months (during which time Mrs. Hamstead endured eight hearings and one 10+ hour trial) the State has maintained Walker's claim that at no time did he activate any "body" or "in car" audio or video, though he was required to do so by policy. And regarding the APUS video, Walker, at trial, participated in "code of silence" activity, testifying that he hadn't investigated the APUS video (to determine who drove Mrs. Hamstead's car through the APUS parking lot to produce the tire tracks that he used against Mrs. Hamstead to press false charges). Trooper Walker acted within the scope of his authority under color of law while violating Julie Hamstead's First Amendment and Fourteenth Amendment rights and otherwise acted willfully and wantonly in committing an assault and battery and otherwise injuring her.

REMEDY REQUESTED:

Mrs. Hamstead seeks to have the other two charges promptly dismissed, which arose out of and are tied to the false charge of "destruction of property" and gross police misconduct. These charges are "disorderly conduct" and "obstruction." Mrs. Hamstead would like the State Police to investigate and determine who drove her car through the parking lot that day after she had parked it, (as is shown on an American Public University video). And she wants to know why?³ (Mrs. Hamstead never placed her car near a tree where it was photographed by Trooper Walker.) She would also like Trooper Walker to be disciplined appropriately for police misconduct and "code of silence" activity. Framing someone for something they didn't do should be grounds for dismissal of the officer instead of simply moving him from one location to another.

Finally, Mrs. Hamstead seeks damages against Trooper Walker and the State of West Virginia to compensate her for her medical bills (which are now in excess of \$20,000 with continued Physical Therapy for her left shoulder and neck), compensation for her loss of earnings in the existing amount of \$110,000 as she cannot obtain suitable employment given the criminal record, and such further damages as will compensate her for her future loss of income, her past and future mental anguish, past and future pain and suffering, past and future loss of enjoyment of life and such punitive damages and attorney fees as may be permitted at law.

Respectfully submitted,
HAMSTEAD & ASSOCIATES, L.C.



Braun A. Hamstead, Esq.

BAH/jes

cc: Julie A. Hamstead

³ It is believed that other individuals and entities who were present on April 25, 2016, participated and colluded in a mock reenactment of the incident to have Mrs. Hamstead falsely charged.